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SEP 03 1998

Mar. 14

CONCORD N.H.

Mr. James J. Barry, Commissioner  
Department of Public Welfare  
State House Annex

Dear Sir:

The case of Everett Severance deceased OAA and his wife, Juliet Severance, active OAA is one in which further action is indicated.

Because proper action was not taken in 1944 and immediately thereafter, our legal proceedings will be commenced under some considerable disadvantages. However, it seems entirely inequitable that the son Vernon Severance should be allowed to go undisturbed in his enjoyment of the property while his father was a debtor to the state and his mother a public charge.

It is too late to sue the father's estate for support rendered the mother up to the time of his death. And while it appears that we could divest the son of the life estate his mother conveyed to him, the practicability of such course is questionable, since it would be difficult to reduce the value of such life estate to cash.

The only practicable course seems to sue the son on the basis of R. L. c. 126, s. 9, as amended.

Will you therefore kindly determine for me the credit status of the son, his earnings, his assets and his responsibilities in respect to his own children. And will you kindly procure a copy of the deed by which Juliet Severance conveyed her interest to her son. Finally, since an action for the foreclosure of the lien in respect to the father must be undertaken, will you determine how Everett Severance acquired the land. A copy of the deed would be proper for this purpose. I should like to know, too, concerning the liens — all of them — which have been filed against the property.

Very truly yours,

Warren E. Waters  
Assistant Attorney General

WEW:RM